

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.49 of 2019

Arising Out of PS. Case No.-155 Year-2009 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

=====

BINDO MAHTO Son of Late Ramkishun Mahto Resident of Village-Ghat Kusumbha, P.S-Korma, District-Sheikhpura.

... .. Appellant.

Versus

1. The State of Bihar.
2. Urmila Devi W/o Late Mathura Mahto Resident of Village-Ghat Kusumbha, P.S-Korma, District-Sheikhpura.
3. Nitish Kumar S/o Late Mathura Mahto Resident of Village-Ghat Kusumbha, P.S-Korma, District-Sheikhpura.
4. Sanhita Devi D/o Late Mathura Mahto Resident of Village-Ghat Kusumbha, P.S-Korma, District-Sheikhpura.
5. Kari Devi D/o Late Mathura Mahto Resident of Village-Ghat Kusumbha, P.S-Korma, District-Sheikhpura.

... .. Respondents.

=====

Appearance :

For the Appellant : Mr. Ajit Kumar, Advocate.
For the State : Mr. Abha Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 17-09-2019

Heard learned counsel for the appellant and the learned
Additional Public Prosecutor for the State.

2. This Special Leave to Appeal, under Section 378(4) of the Code of Criminal Procedure, has been filed on behalf of the appellant, seeking leave to file appeal against the Judgment and Order dated 01.04.2017 passed in Trial No.99 of 2017, arising out of Complaint Case No.155C of 2009, whereby and whereunder the court of Sri Jigar Shah, learned Judicial Magistrate, First Class, Sheikhpura, acquitted the respondent nos.2 to 5 of the charges



framed against them under Sections 147, 148, 149, 323, 337, 448 and 379/34 of the Indian Penal Code, arriving at the conclusion that the prosecution has not been able to prove the charge framed against them under the aforesaid Sections.

3. From perusal of the impugned Judgment and Order, it appears that the learned Judicial Magistrate, First Class, Sheikhpura, has discussed the evidence, as adduced on behalf of the prosecution, in detail and arrived at the conclusion that the prosecution has not been able to prove its case against the respondent nos.2 to 5 and, accordingly, acquitted them of the charges framed against them under Sections 147, 148, 149, 323, 337, 448 and 379/34 of the Indian Penal Code.

4. I find no illegality and infirmity in the impugned Judgment and Order for interference with the same and, accordingly, this Special Leave to Appeal is dismissed and I.A. No.1 of 2019, filed under Section 5 of the Limitation Act, to condone the delay in filing this Special Leave to Appeal is disposed of.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2019.
Transmission Date	17.09.2019.

